

REMARKS

The Applicant is filing this Amendment and Response in response to an Office Action dated June 23, 2009. At the time of the Office Action, claims 1, 3-15, 17, 18, 20, 21 and 27-34 were pending. By way of this Amendment and Response, claims 1, 13, 27, and 30 are amended and claim 34 is canceled. No new matter is included by these amendments. Accordingly, claims 1, 3-15, 17, 18, 20-21, and 27-33 are currently pending. Based on the following remarks, the Applicant asserts that all pending claims are in condition for allowance.

In the Office Action, the Examiner rejected claims 29-34 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Publication No. 2008/0189742 by Ellis, et al. (hereinafter "Ellis"). The Examiner also rejected claims 1, 3, 5, 7, 11-13, 17, 22, 27, and 28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,202,211 to Williams, Jr. (hereinafter "Williams '211") and U.S. Patent Application Publication No. 2003/0048757 by Accarie, et al. (hereinafter "Accarie") in view of Ellis. The Examiner also rejected claims 4, 6, 8, 14, 15, 18, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Williams '211 and Accarie in view of Ellis and further in view of U.S. Patent Application Publication No. 2002/0056118 by Hunter et al. (hereinafter "Hunter"). Finally, the Examiner rejected claims 9, 10, 20, 21, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Williams '211 in view of Accarie and Ellis and in view of Hunter and U.S. Patent Application Publication No. 2004/0019908 by Williams et al. (hereinafter "Williams '908"). These rejections are discussed in detail below.

Claim Rejection under 35 U.S.C. § 102

The Applicant respectfully traverses the rejection of claims 29-34 under 35 U.S.C. § 102(e) as allegedly being anticipated by Ellis. Anticipation under 35 U.S.C. § 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under 35

U.S.C. § 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. duPont de Nemours & Co.*, 750 F.2d 1569, 224 U.S.P.Q. 409 (Fed. Cir. 1984). The prior art reference also must show the *identical* invention "in as complete detail as contained in the ... claim" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913,1920 (Fed. Cir. 1989) (emphasis added). Accordingly, the Applicant needs only to point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Independent claims 29 and 30 are not anticipated by Ellis.

Independent claim 29 recites, *inter alia*, that "the A/V program data displayed in the menu on the first presentation device is based on a suitability of a format of the desired A/V program data for the presentation device." Similarly, amended independent claim 30 recites, *inter alia*, that "the sink component is adapted to filter the A/V program data available from the source component based on a type of the presentation device coupled to the sink component."

The specification states that "format data 96 may comprise information identifying various types of A/V program data 32 available from a particular source component 16." Specification, para. [0034]. The A/V program data may include "still images such as, but not limited to, scanned photograph files or digital image files; video content such as, but not limited to, movie or video content, a television broadcast, or streaming video content; and/or audio content such as, but not limited to, an audio broadcast or a digital sound file." *Id.*, para. [0019]. The specification also notes that the data sink includes a "[d]ata registrator 72 [that] identifies the type or format of the selected A/V program data 32 and accesses format data 96 to acquire corresponding decryption, decompression, or other manipulating algorithms for processing of the selected A/V program data 32." *Id.*, para. [0039]. Once the format of the data is identified, the "aggregator 60 filters the available A/V program data 32 based on the presentation device data 90 such that only A/V program data 32 presentable or displayable on the corresponding presentation device(s) 14 is presented

to the user.” *Id.*, [0072]. For example, filtering the A/V program data may prevent a user from being presented the choice to “display” a still picture on a stereo system.

In contrast, Ellis does not disclose that that “the A/V program data displayed in the menu on the first presentation device is based on a suitability of a format of the desired A/V program data for the presentation device,” as recited by claim 29. More specifically, Ellis is directed to accessing a television content provider through a communications link. Ellis, para. [0033]. An interactive television program guide provides program listings for television programs, such as times, channels, titles, etc. and allows selection of particular programs. *Id.*, para. [0034]. However, Ellis only teaches one type of content, video programs, and does not teach or disclose that the menu is filtered by the format of the content to present only that content that may be displayed on a particular presentation device.

Accordingly, Ellis cannot anticipate independent claims 29 or 30. Further, as discussed below, none of the other references cited by the Examiner teach a menu that is filtered to display only the type of content that can be displayed by a particular device. Thus, independent claims 29 and 30 are allowable over the references cited.

The Applicants respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e).

Based on the foregoing amendments and remarks, the Applicant respectfully asserts that claims 29 and 30, and their respective dependent claims, 31-33, are not anticipated by Ellis and, thus, are allowable under 35 U.S.C. § 102. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102(e) based on Ellis is respectfully requested. Moreover, an indication of the allowability of those claims is earnestly solicited.

Claim Rejections under 35 U.S.C. § 103(a)

The Applicant respectfully traverses the rejections of claims 1, 3-10, 11-15, 17, 18, 20-22, and 25-28 under 35 U.S.C. § 103(a). The burden of establishing a prima facie case of obviousness falls on the Examiner. *Ex parte Wolters and*

Kuypers, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To *establish prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Although a showing of obviousness under 35 U.S.C. § 103 does not require an express teaching, suggestion or motivation to combine prior art references, such a showing has been described by the Federal Circuit as providing a “helpful insight” into the obviousness inquiry. *KSR Int’l. Co. v. Teleflex, Inc.*, No. 04-1350, 550 U.S. 398, 82 U.S.P.Q.2d 1385 (2007). Moreover, obviousness cannot be established by a mere showing that each claimed element is present in the prior art. *Id.* The Examiner must cite a compelling reason why a person having ordinary skill in the art would combine known elements in order to support a proper rejection under 35 U.S.C. § 103. *Id.*

Williams ‘211, Accarie, and Ellis, alone or in any sort of hypothetical combination, fail to disclose all of the elements of independent claims 1, 13, and 27.

As amended, independent claim 1 recites, *inter alia*, “a menu presenting an aggregation of the A/V program data available from each of the plurality of source components.” (Emphasis added). Similarly, amended independent claims 13 and 27 recite, *inter alia*, “a menu presenting an aggregation of A/V program data available from each of a plurality of source components.” These amendments are merely made to clarify the claims and expedite prosecution, and not for reasons related to patentability.

As stated in the specification, the “sink component 12 aggregates A/V program data 32 available from each registered source component 16.” Specification, para. [0071]. The “aggregated listing of the A/V program data 32 available from each of the locally or remotely distributed source components 16” is presented to the user, “thereby enabling the user to identify A/V data available from each of the source components 16 while the identity of the source components 16 remains transparent to the user.” *Id.*, para. [0074]. Thus, the user may select content from any number of sources without knowing the identity of the source component or needing to open each source component to find what content is present.

In contrast, none of the cited references, Williams '211, Accarie, or Ellis, alone, or in any hypothetical combinations, discloses displaying an aggregated menu of A/V program data available from each of the source components. In contrast, Williams '211 is merely directed to using televisions as video displays for allowing access to a local system server. *See* Williams, col. 1, l. 59-col. 2, l. 9. Nothing in Williams '211 discloses generating or displaying a menu that has aggregated A/V content from a number of devices. Accarie is related to a system that accesses a number of different devices from a single system. Moreover, Accarie teaches sending control signals to each of those devices from a single remote. *See* Accarie, paras. [0045]-[0050]. Nothing in Accarie discloses aggregating content from a number of sources into a single menu.

Further, as discussed above, Ellis is directed to accessing a television content provider through a communications link. Ellis, para. [0033]. Ellis does disclose a menu of program content, specifically an interactive television program guide that provides program listings for television programs, such as times, channels, titles, etc. and allows selection of particular programs. *Id.*, para. [0034]. However, Ellis only teaches one type of content, video programs, and does not teach or disclose that the menu is aggregated to show content on a number of source components.

Thus, the cited references, alone or in any hypothetical combinations, do not disclose all of the elements of independent claims 1, 13, and 27. Further, the deficiencies of Williams '211, Accarie, and Ellis with respect to independent claims 1, 13, and 27 are not remedied by any of the secondary references cited against various dependent claims, i.e., Hunter or Williams '908. More specifically, Hunter is directed to a system for distributing video content, such as movies, to purchasers. *See* Hunter, para. [0012]. Although the content may be recorded to subsidiary devices, nothing in Hunter discloses an aggregated menu containing content from all of the devices. Williams '908 (*i.e.*, "Chris Williams") is directed to a method of "channel surfing" through a number of different inputs from different sources based on user definable preferences. *See* Williams '908, para. [0023]. The purpose is to limiting the number of channels a user must go through to identify content choices. *See id.*, para. [0008].

Although Williams '908 discloses that the channels may come from any number of sources, Williams '908 does not disclose an aggregated menu of the specific content choices available on each of the source devices, only that the user is able to rotate through the channels to see the content available. *See id.*, paras. [0023], [0063]-[0065].

Thus, none of the cited references, alone or in any hypothetical combinations, discloses a menu presenting an aggregation of the A/V program data available from each of the plurality of source components, as generally recited in claims 1, 13, and 27. Claims 3-10, 11, 12, 14,15, 17, 18, 20-22, and 25, 26, and 28, depend from claims 1, 13, and 27 and are allowable for the at least the same reasons as discussed above.

Furthermore, claims 9, 10, 20, and 21 are generally addressed to filtering the A/V program data from the source, based on the content or on the type of the second presentation device coupled to the sink component. As stated in the specification "aggregator 62 filters the available A/V program data 32 and presents or displays to the user via user interface 42 *only the types of A/V program data 32 capable of being displayed or presented via the particular presentation device 14.*" Specification, para. 31 (emphasis added). This element is not taught or disclosed in Ellis as discussed with respect to the rejections under 35 U.S.C. § 102(e), above. Moreover, the Examiner has admitted that this is not taught in Williams '211, Accarie, or Ellis, but has argued that it is taught in Williams '908, *i.e.*, "Chris Williams." Office Action, p. 13.

However, as discussed above, the Applicant respectfully asserts that none of the cited references, including Williams '908, displays an aggregated menu of content choices from a number of different component sources. Thus, none of the cited references can disclose filtering this content to display only those choices that are relevant to the presentation device. Although Williams '908 does disclose a presentation device and Ellis does disclose a menu of A/V program content, nothing in these references indicates that the menu shows aggregated content from all of a number of source devices or that the aggregated content is filtered according to the

presentation device, as discussed with respect to the rejection under 35 U.S.C. § 102(e), above. Further, nothing in the text of Williams '908 discloses limiting a menu of available content based on a type of an attached presentation device. Thus, for at least this further reason, neither Williams '908, nor any sort of hypothetical combination of Williams '908 with Williams '211, Accarie, or Ellis, discloses all of the elements of claims 9, 10, 20, and 21.

The Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 103(a).

As set forth above, none of the references relied upon by the Examiner, either alone or in any sort of hypothetical combination, discloses all of the elements of claims 1, 3-15, 17, 18, 20-21, 27, and 28. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested. Moreover, an indication of the allowability of those claims is earnestly solicited.

Conclusion

The Applicant respectfully asserts that all pending claims are in condition for allowance. If the Examiner wishes to discuss any aspect of the instant application by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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